

**STILLWATER COUNTY**  
**APPLICATION FOR AN ENCROACHMENT PERMIT**

*To be filled by the Applicant – Incomplete applications will not be processed.*

Application # \_\_\_\_\_

Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Site Location – Exact distance and direction from the nearest County road intersection: \_\_\_\_\_

\_\_\_\_\_

Section \_\_\_\_\_ Township \_\_\_\_\_ Range \_\_\_\_\_

Nature of Construction Project (Attach drawings, plans/specifications): \_\_\_\_\_

\_\_\_\_\_

Completion Date: \_\_\_\_\_

IN ORDER TO PROMOTE PUBLIC SAFETY AND PROTECT LIFE AND PROPERTY, IT IS NECESSARY FOR EVERY PERSON, PARTY, OPERATION, BUSINESS OR UTILITY DESIRING TO PERFORM CONSTRUCTION WORK OF ANY NATURE IN ANY COUNTY ROAD, STREET, ALLEY OR THOROUGHFARE TO OBTAIN A WORK PERMIT PRIOR TO STARTING SUCH WORK AND POST BOND AS MAY BE REQUIRED INSURING PROPER COMPLETION OF THE PROJECT.

**FEDERAL LAW REQUIRES ALL PARTIES TO CONTACT “ONE CALL” BEFORE DIGGING 1-800-424-5555**

**APPLICANT HEREBY AGREES TO THE FOLLOWING CONDITIONS:**

1. To perform all work in compliance with Stillwater County Road Specifications, a copy of which is available at the Stillwater County Road Department.
2. To notify the Stillwater County Road Department Office 48 hours prior to starting any work within the County right-of-way covered by this permit.
3. Applicant will be responsible for any damage to other installations already in place before digging.
4. To provide proof of insurance, indemnify and hold harmless Stillwater County, its officers and employees, from responsibility, damage, or liability arising from the exercise of the privileges granted herein.
5. To meet all requirements for warning signs, traffic control and public safety (Manual on Uniform Traffic Control Devices).
6. Abide by Federal Law requirements to contact “One Call Hotline” before digging. 1-800-424-5555.

**IT IS FURTHER AGREED:**

1. Applicant shall furnish bond as required based on the type and scope of work covered by this application for a one-year period.
2. Above named Applicant doing or authorizing said work will pay a fee as required; said fee to be retained by Stillwater County.
3. Applicant shall not exceed or modify the scope of this project without prior approval from the Stillwater County Road and Bridge Department office.
4. Applicant shall be responsible for their excavations, locations, placements of lines, poles, pipes, etc., within the public rights-of-way in accordance with Stillwater County Road and Bridge Department Standards.
5. When requested by the County Road Department, due to public safety, county road maintenance, construction, rebuilding, relocation shall be the responsibility of the owner of said facilities; all costs associated with any future relocation of any improvement constructed under this project permit shall be borne by the current owner(s) at the time of the requested relocation.
6. Applicant shall inform the County Road and Bridge Department upon completion of work. All work shall be inspected upon completion as arranged for by parties, the Applicant and the County Road Department or their representative.
7. Applicant shall maintain, at its/his sole expense, the installation and/or structures for which this permit is granted, in a condition satisfactory to the County.
8. Should the work fail to meet standards, or if a defect in said work creates a situation affecting public health, welfare or safety, the Applicant is solely responsible for correction of the deficiency. If Applicant, upon notification by the County Road Dept., fails to correct said deficiency, the Stillwater County Road Department May make or authorize such repairs as necessary. All costs incurred in said repair shall be charged against the Applicant, the Applicants heirs, assigns, or his bond. Emergency situations, as determined by the County Road Dept. Office, shall be corrected within 24 hours, all other situations shall be corrected within 30 days.
9. The Applicant agrees to hold Stillwater County harmless for any damage to their facilities occurring during normal road maintenance operation now and in the future.
10. Nothing in this permit shall relieve Applicant of responsibility for the work performed under any permit granted.

**All terms of this permit application are accepted and agreed to by:**

\_\_\_\_\_  
*Signature of Applicant(s)*

\_\_\_\_\_  
*Print Name, Title*

\_\_\_\_\_  
*Date*

**Send the complete application form along with applicable fees, drawings, plans/specifications, proof of insurance, and bond to address below:**

**STILLWATER COUNTY ROAD AND BRIDGE DEPARTMENT**  
**865 HWY 10 WEST**  
**COLUMBUS, MT 59019**  
**PHONE: (406) 322-5335**

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**OFFICE USE ONLY – COPY OF FEE'S HERE**

**REVIEW OF APPLICATION FOR ENCROACHMENT PERMIT**  
- To be filled in by Stillwater County Road Supervisor -

ROUTE NO. \_\_\_\_\_  
STATION(s) \_\_\_\_\_

Application # \_\_\_\_\_

COMPLETE APPLICATION RECEIVED? Yes \_\_\_\_\_ No \_\_\_\_\_  
INSPECTION FEE PAID? Yes \_\_\_\_\_ No \_\_\_\_\_ Amount \$ \_\_\_\_\_ Ck# \_\_\_\_\_ Cash \_\_\_\_\_ Inv# \_\_\_\_\_  
PLANS/SPECIFICATION SUBMITTED? Yes \_\_\_\_\_ No \_\_\_\_\_  
PROOF OF INSURANCE PROVIDED? Yes \_\_\_\_\_ No \_\_\_\_\_ Company \_\_\_\_\_  
BOND PROVIDED Yes \_\_\_\_\_ No \_\_\_\_\_ Amount \$ \_\_\_\_\_

**PRELIMINARY INSPECTION OF APPLICATION RECOMMENDED FOR:**

APPROVAL \_\_\_\_\_ CONDITIONAL APPROVAL \_\_\_\_\_ DISAPPROVAL \_\_\_\_\_

\_\_\_\_\_  
*County Road & Bridge Supervisor*

\_\_\_\_\_  
*Date*

List conditions of approval or disapproval, if any: \_\_\_\_\_

\*\*\*\*\*

**DECISION ON APPLICATION FOR ENCROACHMENT PERMIT**

- To be filled in by Stillwater County Commissioners -

The Board of County Commissioners of Stillwater County, Montana, do hereby:

APPROVAL \_\_\_\_\_ CONDITIONAL APPROVAL \_\_\_\_\_ DISAPPROVAL \_\_\_\_\_

The permit application for an Encroachment Permit.

\_\_\_\_\_  
*County Commissioner District 1,2 or 3*

\_\_\_\_\_  
*Date*

\*\*\*\*\*

**FINAL INSPECTION OF WORK COMPLETED**

- To be filled in by Stillwater County Road Supervisor -

Inspected by \_\_\_\_\_ Inspection Date \_\_\_\_\_

Completed project: \_\_\_\_\_ meets requirements of the preliminary application  
\_\_\_\_\_ does not meet approval for the following reasons: \_\_\_\_\_

\*\*\*\*\*

**NOTICE:** Approval of the foregoing application shall not grant authority to the permitted to burden or otherwise impair or infringe on any third party's property interests which may exist or inure to the benefit of third parties relative to the county property or right-of-way which is referenced in this application. It shall be the responsibility of the permittee to ascertain all such property interests, if any, and to make suitable arrangements with all third parties whose property interests may be impaired by the construction work proposed in this application.

**Routing**

**Initial Course of Action**

- \_\_\_\_\_ 1. Road & Bridge - Preliminary inspection
- \_\_\_\_\_ 2. Road & Bridge - Approval and fees to Finance Department
- \_\_\_\_\_ 3. Finance Department - Deposit fees
- \_\_\_\_\_ 4. Submit application to BOCC final approval
- \_\_\_\_\_ 5. Commission action - Decision on application for permit
- \_\_\_\_\_ 6. Road & Bridge - Mail permit to applicant
- \_\_\_\_\_ 7. Final Inspection- Road & Bridge
- \_\_\_\_\_ 8. Clerk & Recorder - Record final document

**OFFICE USE ONLY**

**STILLWATER COUNTY  
EXHIBIT A, PAGE 1**

Application # \_\_\_\_\_

**CONDITIONS OF APPROVAL FOR ENCROACHMENT PERMITS**

*- To be signed by the Applicant -*

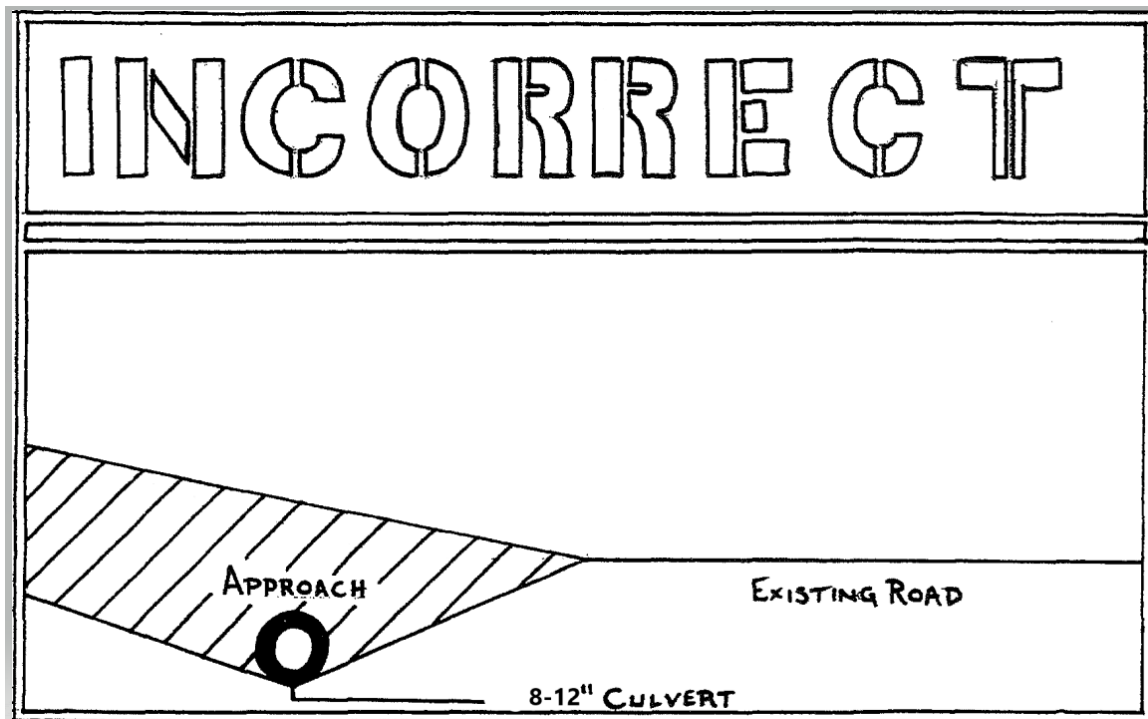
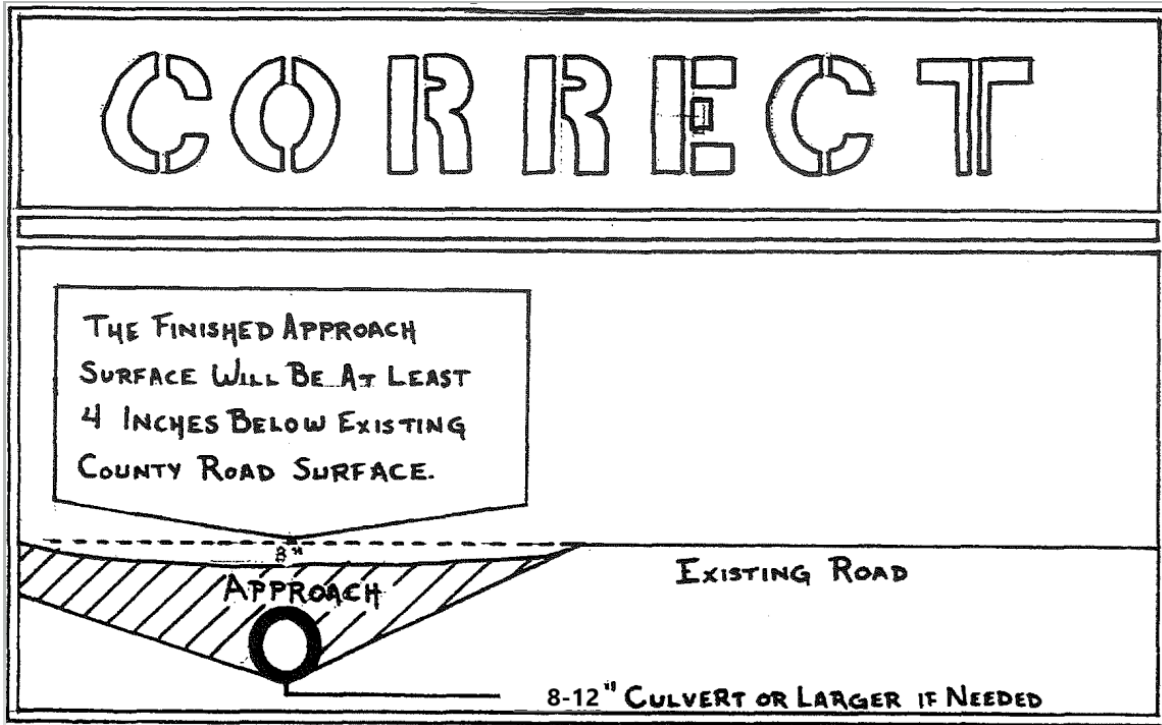
1. Permittee or representative shall have Encroachment Permit on Site during installation or any other related disturbance within the right-of-way.
2. After the Permit is issued, the County Road Department/County Inspector is to be notified, a minimum of 48 hours prior to any disturbance in the right-of-way.
3. Contractor to adhere to MUTCD for traffic control, including proper posting of warning signs.
4. Installation to be along edge of right-of-way, unless approved otherwise by the County Inspector.
5. Contractor to repair/replace surface to original or better condition.
6. County Inspector to approve backfill material.
7. Boring fluids to be collected and disposed of at approved disposal site.
8. Open excavation and equipment left overnight will have hazard barriers and flashing signals as approved by County Inspector.
9. 48" minimum depth for burial of electric and gas lines.
10. 24" minimum depth for burial of telephone lines.
11. When needed, county gravel and dirt roads may be trenched or bored. County paved roads will be bored unless a variance request is granted by the Commission following recommendation by the Road and Bridge Department.
12. a. Culverts will be installed in all driveway approaches in accordance with Exhibit A, Page 2, unless a variance request is granted by the Commission following recommendation by the Road and Bridge Department. The culvert diameter standard will be twelve (12) inches. However, greater or lesser diameters may be required, as determined by the Road and Bridge Department.  
  
b. The finished approach surface will be at least eight (8) inches below the existing county road surface elevation unless, in the opinion of the Road and Bridge Department, less elevation difference is needed to accommodate proper road drainage.
13. County Inspector shall inspect installation upon completion.
14. Other Conditions-of-Approval may be assigned on a case-by-case basis.

\_\_\_\_\_  
*Signature of Applicant(s)*

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Print Name and Title*

STILLWATER COUNTY  
EXHIBIT A, PAGE 2



***STILLWATER COUNTY  
INSPECTION FEES***

**PERMIT CLASSIFICATION**

**MINIMUM FEE**

**DRIVEWAY OR PRIVATE ROAD APPROACH:**

New construction, expanded use, alteration of  
Or relocation of an existing approach.

**\$75.00 each**

**WORK IN RIGHT OF WAY:**

All projects which involve work in the right of way  
(i.e.: trimming and removing trees, ditch repairs, etc.)

**\$75.00 per mile**

**UTILITY SERVICE INSTALLATION AND MAINTENANCE:**

Utility service connections to existing facilities in right of way

**\$75.00 each**

Underground utility service installation and maintenance,  
10 cents per foot up to 1 mile (5280 feet) and 5 cents per foot  
in excess of 1 mile

**\$75.00 minimum**

Utility pole installation or replacement per mile (5280 feet)

**\$75.00 per mile**

All road crossings (bored, trenched, overhead culverts and  
Cattle guards

**\$75.00 each**

Private cable T. V. companies, oil & gas pipelines, communication companies, water systems, and public and/or private irrigation systems crossing or using public right of way will be treated under the same schedule of fees as utility service installation and maintenance.

**All costs incurred by the County Road Department or its representatives associated with the testing, inspection and correction of deficiencies will be charged to the responsible permittee.**

**Stillwater County reserves the right to require a performance bond securing the restoration of County facilities to assure compliance with right of way permit requirements.**

**STILLWATER COUNTY RESOLUTION NO. 96-12**

**WHEREAS**, Montana Statutes 7-14-2101 et. seq. gives general power to the Board of County Commissioners to do whatever may be necessary for the best interest of the county roads, and

**WHEREAS**, the County incurs additional costs at the taxpayers expense whenever inspecting, reviewing or repairing construction work within county right-of-way, and


**WHEREAS**, public health, safety and general welfare of Stillwater County will be better served if there is a permit system required to allow for review of permit applications with plans and specifications for construction work within county right-of-way, proof of insurance, and a financial guarantee in the amount required to cover the estimated cost to repair construction work affecting county roads and associated facilities provided by the applicant.

**NOW, THEREFORE BE IT RESOLVED**, that a permit is required for construction work within county right-of-way. A complete application form must submitted for review and will be processed in accordance with the approved policy on permit requirements for construction work in county right-of-way. This includes requirements for the applicant to provide proof of insurance and a financial guarantee.

**BE IT FURTHER RESOLVED**, that a fee schedule with a minimum \$75.00 inspection fee is hereby *adopted*.

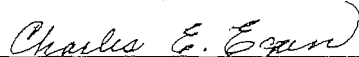
**PASSED AND ADOPTED** by the Board of County Commissioners of Stillwater County, Montana this 22 day of April 1996.

Board of County Commissioners

  
Clifford A. Bare, Chairman




L. Harold Blattie, Member



Charles E. Egan, Member

ATTEST:

  
Janet R. Perkins  
Clerk & Recorder